

United States District Court
District of Massachusetts

United States)
)
)
v.) 04-MJ-01685-CBS
)
)
Silvestre Lizardi, et al.,)
)
 defendants.)
)
)

**Defendant's Third Assented -to
Motion to Modify Conditions of Release**

The defendant Silvestre Lizardi ("Lizardi") hereby moves that this Court modify the conditions of his pretrial release by: 1) permitting him to move his residence to 1950 Creesy Street, Apt. 5, Marblehead, MA 01945; 2) vacating the requirement that he report to Pretrial Services for drug testing; and 3) permitting him to travel to New Hampshire for work related to his job as an autoglass technician.

As grounds therefor, the defendant avers the following:

1. On February 27, 2004, the defendant was charged in a sealed complaint with conspiracy to possess cocaine with intent to distribute.
2. On June 7, 2004, after probable cause was found and a detention

hearing held, this Court issued an Order releasing the defendant on \$15,000 cash bond and on a number of conditions, including: that he report as directed to Pretrial Services; that he maintain or actively seek employment; that he surrender his passport and restrict his travel to Massachusetts; that he submit to drug testing; that he abide by a 9:00 p.m. to 6:00 a.m. curfew; and that he maintain his residence at 8 Norcross Terrace, Lynn, MA.

3. This Court has granted previous motions to modify the conditions of release by permitting him to move his residence and by vacating the curfew restrictions.

4. Since this Court's original order of release, Lizardi has abided by these conditions.

5. Lizardi and his wife are expecting a second child have recently signed a lease for another apartment with more space at 1950 Creesy Street, Apt. 5, Marblehead MA 01945. Lizardi and his family are scheduled to move into the new apartment on June 15, 2005.

6. Lizardi has continued working at his old job as an autoglass technician with the Glass Doctor. His work principally involves installing windshields and windows on the road wherever the car with the problematic glass is located. While most of the company's work is within the territorial

limits of Massachusetts, the Glass Doctor receives a number of calls from car-owners in New Hampshire. Lizardi's employer has asked him to seek this requested modification to permit him to travel to New Hampshire to perform this work.

7. Earlier this week, undersigned counsel spoke with Lizardi's Pretrial Services Officer David Picozzi who confirmed that Lizardi has been completely compliant with the conditions of his pretrial release. Picozzi stated that he assents to the requested modifications in the conditions of Lizardi's pretrial release.

8. Earlier today, June 7, 2005, undersigned counsel spoke with Assistant United States Attorney Neil Gallagher who also stated that he assents to the requested modifications in the conditions of Lizardi's pretrial release.

Wherefore, the defendant Silvestre Lizardi requests that this Court modify the conditions of his pretrial release by: 1) permitting him to move his residence to 1950 Creesy Street, Apt. 5, Marblehead, MA 01945; 2) vacating the requirement that he report to Pretrial Services for drug testing; and 3) permitting him to travel to New Hampshire for work related to his job as an autoglass technician.

Silvestre Lizardi
By his attorney,

/s/ Michael R. Schneider
Michael R. Schneider
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Verification

I, Michael R. Schneider, hereby verify that the factual assertions above are true and accurate to the best of my knowledge and belief.

/s/ Michael R. Schneider
Michael R. Schneider

Certificate of Service

I, Michael R. Schneider, hereby certify that earlier today, I served on AUSA Neil Gallagher, United State's Attorney's Office, 1 Courthouse Way, 9th Floor, Boston, MA 02210, a true and accurate copy of the foregoing document by e-filing.

/s/ Michael R. Schneider
Michael R. Schneider

Dated: June 7, 2005